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latitude 41°–23.5′ North, longitude 71°–02.0′ West, and then to the southwestern tangent of Cuttyhunk Island, Massachusetts, at approximate position latitude 41°–24.6′ North, longitude 70°–57.0′ West, and including all of the Cape Cod Canal to its eastern entrance, except that the area of New Bedford harbor within the confines (north) of the hurricane barrier, and the passages through the Elizabeth Islands, is not considered to be “Buzzards Bay”.

(ii) *Additional positive control for barges.* Except as provided in paragraph (d)(1)(iii) of this section, each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must, in addition to its primary tug, be accompanied by an escort tug of sufficient capability to promptly push or tow the tank barge away from danger of grounding or collision in the event of—

- (A) A propulsion failure;
- (B) A parted tow line;
- (C) A loss of tow;
- (D) A fire;
- (E) Grounding;
- (F) A loss of steering; or

(G) Any other time a vessel may be operating in a Hazardous Vessel Operating Condition as defined in §161.2 of this subchapter.

(iii) *Federal pilotage.* Each single hull tank barge transiting Buzzards Bay and carrying 5,000 or more barrels of oil or other hazardous material must be under the direction and control of a pilot, who is not a member of the crew, operating under a valid, appropriately endorsed, Federal first class pilot's license issued by the Coast Guard (“federally licensed pilot”). Pilots are required to embark, direct, and control from the primary tug during transits of Buzzards Bay.

(iv) In addition to the vessels denoted in §161.16 of this chapter, requirements set forth in subpart B of 33 CFR part 161 also apply to any vessel transiting VMRS Buzzards Bay required to carry a bridge-to-bridge radiotelephone by part 26 of this chapter.

(A) A VMRS Buzzards Bay user must:

(1) Not enter or get underway in the area without first notifying the VMRS Center;

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(2) Not enter VMRS Buzzards Bay if a Hazardous Vessel Operating Condition or circumstance per §161.2 of this Subchapter exists;

(3) If towing astern, do so with as short a hawser as safety and good seamanship permits;

(4) Not meet, cross, or overtake any other VMRS user in the area without first notifying the VMRS center;

(5) Before meeting, crossing, or overtaking any other VMRS user in the area, communicate on the designated vessel bridge-to-bridge radiotelephone frequency, intended navigation movements, and any other information necessary in order to make safe passing arrangements. This requirement does not relieve a vessel of any duty prescribed by the International Regulations for Prevention of Collisions at Sea, 1972 (33 U.S.C. 1602(c)) or the Inland Navigation Rules (33 U.S.C. 2005).

(B) [Reserved]

(e) In addition to the authority for this part 165, this section is also authorized under authority of section 311, Pub. L. 105–383.

[CGD1–98–151, 63 FR 71770, Dec. 30, 1998, as amended by CGD01–98–151, 64 FR 12749, Mar. 15, 1999; USCG–1999–5832, 64 FR 34715, June 29, 1999; CGD01–98–151, 65 FR 35838, June 6, 2000; CGD01–04–133, 72 FR 50058, Aug. 30, 2007; 72 FR 70780, Dec. 13, 2007; USCG–2008–0179, 73 FR 35016, June 19, 2008]

§ 165.101 Kittery, Maine—regulated navigation area.

(a) The following is a regulated navigation area—Waters within the boundaries of a line beginning at 43°04′50″ N, 70°44′52″ W; then to 43°04′52″ N, 70°44′53″ W; then to 43°04′59″ N, 70°44′46″ W; then to 43°05′05″ N, 70°44′32″ W; then to 43°05′03″ N, 70°44′30″ W; then to the beginning point.

(b) *Regulations.* No vessel may operate in this area at a speed in excess of five miles per hour.

§ 165.102 Security Zone: Walkers Point, Kennebunkport ME.

(a) *Location.* The following area is a security zone: From point of land located on Cape Arundel at latitude 43°20.4′ North, longitude 070°28.0′ West; thence to a point approximately 500